

KULIK GOTTESMAN & SIEGEL, LLP
Glen L. Kulik, Esq. (SBN 082170)
Natalie N. Wright, Esq. (SBN 273381)
15303 Ventura Boulevard, Suite 1400
Sherman Oaks CA 91403
Tel: (310) 557-9200; (818) 817-3600
Fax: (310) 557-0224
gkulik@kgsllaw.com; nwright@kgsllaw.com

Attorneys for Plaintiff
Terry T. Gerritsen

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

TERRY T. GERRITSEN, an individual,

Plaintiff,

v.

WARNER BROS. ENTERTAINMENT,
INC., A Delaware corporation; KATJA
MOTION PICTURE CORP., a California
Corporation; and NEW LINE
PRODUCTIONS, INC., a California
corporation,

Defendants.

Case No. CV14-3305-MMM (CWx)

[Hon. Margaret M. Morrow]

**REQUEST FOR JUDICIAL NOTICE
BY PLAINTIFF TERRY T.
GERRITSEN IN SUPPORT OF
OPPOSITION TO MOTION TO
DISMISS**

Date: September 29, 2014

Time: 10:00 a.m.

Room: 780

1 Plaintiff Terry T. Gerritsen (“Gerritsen”) submits this request for judicial notice in
 2 opposition to the Motion to Dismiss filed by Defendants Warner Bros. Entertainment
 3 (“WB”), New Line Productions, Inc. (“New Line”), and Katja Motion Picture Corp.
 4 (“Katja”) (collectively, “Defendants”).

5 Gerritsen hereby requests that the Court take judicial notice, pursuant to Rule 201
 6 of the Federal Rules of Evidence, of the following facts and documents, which are
 7 relevant to this case and are a matter of public record.

8 **A. Facts Subject To Judicial Notice**

9 1. The official contact person for New Line and Katja is a paralegal employed
 10 by WB, Jillaine Costelloe, whose office is located on the WB studio lot at 4000 Warner
 11 Boulevard, Burbank, California 91522. (*See* Exhibits 42 and 43 hereto, more fully
 12 described in Section B, below.)

13 2. Public records and the WB’s own website indicate that New Line, Katja, and
 14 WB share offices at the same business address. (*See* Exhibits 5, 31, 42 and 43 hereto,
 15 more fully described in Section B, below.)

16 3. The same law firm is representing all three defendant companies in this
 17 lawsuit. (*See* Motion to Dismiss filed by Defendants, Dkt. No. 8.)

18 4. The web URL for Katja is publicly listed as: www.newline.com. (*See*
 19 Exhibits 39, 40 hereto, more fully described in Section B, below.)

20 5. The URL www.newline.com automatically redirects to the WB website,
 21 www.warnerbros.com.

22 6. Public records indicate that New Line was founded in 1967 by Robert Shaye
 23 (“Shaye”). (*See* Exhibits 32, 33, 34, 36, 37 and 38 hereto, more fully described in
 24 Section B, below.)

25 7. Public records indicate that Michael Lynne (“Lynne”) joined New Line’s
 26 board of directors in 1983 and in 1990 became its president and Chief Operating Officer.
 27 (*See* Exhibits 8, 9 and 34 hereto, more fully described in Section B, below.)
 28

1 8. Public records indicate that New Line started as a film distribution company
2 but later became a high profile motion picture studio. (*See* Exhibits 8, 9, 12, 32, 33, 34,
3 36, 37 and 38 hereto, more fully described in Section B, below.)

4 9. Public records indicate that in January 28, 1994, New Line was purchased
5 by Turner Broadcasting System, which was acquired by Time Warner in 1996. (*See*
6 Exhibits 7, 8, 9, 12, 16, 32, 33, 34, 36, 37 and 38 hereto, more fully described below.)

7 10. Public records indicate that from 1996 to the present, New Line, and its
8 wholly owned subsidiary Katja, have been part of Time Warner. (*See* Exhibits 8, 9, 36
9 and 41 hereto, more fully described in Section B, below.)

10 11. Public records indicate that New Line operated as a separate studio until
11 February 28, 2008, when Time Warner CEO Jeffrey Bewkes announced that New Line
12 would shut down as a separately operated motion picture studio and would be merged
13 into another of Time Warner's divisions, WB. (*See* Exhibits 10, 11, 12, 13, 14, 15, 16,
14 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, 28, 31, 33, 34, 36 and 38 hereto, more fully
15 described in Section B, below.)

16 12. Public records indicate that on April 14, 2008 Time Warner fired 450 of
17 New Line employees. (*See* Exhibits 22, 23, 24, 25 and 26 hereto, described below.)

18 13. Katja's President is Edward Romano, who was or is the President of New
19 Line Home Entertainment, Inc., Treasurer of Warner Bros. Home Entertainment, Inc.,
20 Treasurer of Warner Bros. International Television Distribution, Inc., and otherwise
21 affiliated with several dozen other companies in the Time Warner family. (*See* Exhibit 41
22 hereto, described below.)

23 14. The motion picture entitled *Gravity* was produced by WB in 2012 and
24 released to the public in 2013. (*See* Exhibit 38 hereto, more fully described below.)

25 15. New Line's President and Chief Operating Officer, Toby Emmerich, reports
26 directly to WB's Chairman and Chief Executive Officer, Kevin Tuschjara. (*See* Exhibits
27 29 and 30 hereto, more fully described below.)
28

B. Exhibits 1 Through 45 Below, Each Of Which Is Attached Hereto And Hereby Incorporated Herein By Reference, Express Facts And Information That Are Relevant To This lawsuit And Part Of The Public Record.

Exhibit	Publisher	Date	Description	URL
1	Time Warner, Inc.	04/08/09	Time Warner Inc.'s Annual Report to Stockholders, 2008: "A Message From Chairman & CEO Jeff Bewkes"	http://media.corporate-ir.net/media_files/irol/70/70972/2008_Annual_Report.pdf accessed 08/26/14
2	Time Warner, Inc.	02/20/09	Time Warner, Inc.'s Corporate 10K for FY 2008	http://tinyurl.com/ljbhqvd accessed 08/26/14
3	Time Warner, Inc.		Time Warner, Inc.'s Corporate 10K for FY 2013	http://tinyurl.com/ljbhqvd accessed 08/26/14
4	Warner Bros.	08/27/14	Warner Bros. Company Overview Published at www.warnerbros.com	http://tinyurl.com/6ujx36q accessed 08/26/14
5	Warner Bros.	08/27/14	New Line Cinema Overview Published at www.warnerbros.com	http://tinyurl.com/n8nyajm accessed 08/26/14
6	Warner Bros.	08/27/14	Warner Bros. Entertainment Inc. Overview Published at www.warnerbros.com	http://tinyurl.com/nt3q2up accessed 08/26/14
7	Los Angeles Times	01/28/94	"New Line to Join Ted Turner Empire Today: Film: With more money, the company is likely to add a few big movies to its annual production schedule"	http://tinyurl.com/l3grygm accessed 09/03/14

Exhibit	Publisher	Date	Description	URL
			By James Bates, Times Staff Writer	
8	Variety Magazine	08/22/04	“A Brief History” of New Line Cinema By Keith Collins	http://tinyurl.com/k8q47er accessed 09/03/14
9	New Line Cinema via “Wayback Machine” web-archive	08/26/14	Archived website for www.newline.com “About us” featuring historical timeline of company from its founding to its 2008 merger with WB.	http://tinyurl.com/k623h8z accessed 09/03/14
10	Bloomberg Businessweek	02/05/08	“At Time Warner, Time for Change” By Ron Grover	http://tinyurl.com/lpanz45 accessed 08/26/14
11	Deadline.com	02/06/08	“TW’s Bewkes Confirms New Line Changes” by Nikki Finke	http://tinyurl.com/ou5r4sk accessed 08/26/14
12	WSJ.com	02/11/08	“Time Warner’s New Line Cinema May Be Hung Out to Dry” By Merissa Marr and Peter Sanders	http://tinyurl.com/p644lmo accessed 08/26/14
13	Deadline.com	02/28/08	“TOLDJA! New Line Folds Into Warner Bros; Bob Shaye & Michael Lynne Exit; Read All The Interoffice Memos Here” By Nikki Finke	http://tinyurl.com/ny294nc accessed 08/26/14

Exhibit	Publisher	Date	Description	URL
14	Whatculture.com	02/28/08	“Warner Bros buy out New Line Cinema!” By Matt Homes	http://tinyurl.com/llx4zph accessed 08/26/14
15	Slashfilm.com	02/28/08	“Breaking: Warner Bros. absorbs New Line Cinema” Publishing memo from Bob Shaye and Michael Lynne	http://tinyurl.com/ko8mq9t accessed 08/26/14
16	Forbes.com	02/28/08	“New Line, Warner Bros. To Merge Operations” By Louis Hau	http://tinyurl.com/klc6z9k accessed 08/26/14
17	Filmonic.com	02/28/08	“New Line Cinema Merging With Warner Bros!” Publishing memo from Bob Shaye and Michael Lynne	http://tinyurl.com/p5o8gg accessed 08/26/14
18	Reuters	02/28/08	“New Line Cinema to Become Unit of Warner Bros”	http://tinyurl.com/m9y7eba accessed 08/26/14
19	Los Angeles Times	02/29/08	“New Line, old story: A small studio falls” By Claudia Eller	http://tinyurl.com/m4e4qy3 accessed 08/26/14
20	USA Today	03/03/08	“Time Warner merges its Warner Bros., New Line Units” By Jacob Adelman, Associated Press	http://tinyurl.com/kjfdtrf accessed 08/26/14
21	Reuters, via Huffington Post.com	03/28/08	“Warner Bros Absorbs New Line Cinema” Linking and quoting	http://tinyurl.com/2x52n7 accessed 08/26/14

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Exhibit	Publisher	Date	Description	URL
			Memo from Shaye and Lynne	
22	Deadline.com	04/14/08	“Black Monday: 450 Jobs Axed” By Nikki Finke	http://tinyurl.com/lsw62gy accessed 08/26/14
23	Variety	04/14/08	“Company cuts 450 jobs from studio” By David McNary, Film Reporter	http://tinyurl.com/k6f4to8 accessed 08/26/14
24	Reuters	04/14/08	“Time Warner to cut 450 jobs from New Line Cinema”	http://tinyurl.com/lqgrmz8 accessed 08/26/14
25	Los Angeles Times	04/15/08	“New Line to lose 450 jobs”	http://tinyurl.com/kaqcp85 accessed 08/26/14
26	FreeRepublic.com	04/15/08	“Time Warner to cut 450 jobs from New Line Cinema (Dinosaur Media Death Watch™)” By Kenneth Li	http://tinyurl.com/n979jsb accessed 08/26/14
27	Los Angeles Times	07/10/08	“Bob Shaye has a Unique new line” By Patrick Goldstein	http://tinyurl.com/ml7564 accessed 08/26/14
28	Upstart.biz journals.com	09/16/08	“The World According to Jeffrey Bewkes” Interview of Jeff Bewkes by Lloyd Grove	http://tinyurl.com/oh5lq49 accessed 08/26/14
29	ScreenDaily.com	06/24/13	“Warner Bros names new leadership team” By Ian Sandwell Reporting that the	http://tinyurl.com/lpzb6vq accessed 08/26/14

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Exhibit	Publisher	Date	Description	URL
			president and COO of New Line will report directly to Warner Bros. CEO	
30	Warner Bros.	09/04/14	<p>“Toby Emmerich, President and COO, New Line Cinema”</p> <p>“Emmerich reports to Kevin Tsujihara, Chairman and CEO, Warner Bros.”</p>	http://tinyurl.com/pldygeg accessed 09/04/14
31	Hollywood Reporter	01/30/14	<p>“New Line Cinema to Move to Warner Bros. Lot”</p> <p>By Alexandria Abramian</p>	http://tinyurl.com/loyr7n3 accessed 08/26/14
32	Slideshare.net	03/12/14	History of New Line Cinema	http://tinyurl.com/lgpapds accessed 08/26/14
33	GoPetition.com	04/30/14	“New Line as founded in 1967 by Robert Shaye as a film distribution company, later becoming an independent film studio.”	http://tinyurl.com/mwafkep accessed 08/26/14
34	Wikipedia	08/12/14	History of New Line Cinema	http://tinyurl.com/wikinl accessed 08/26/14
35	IMDB	08/26/14	<i>Gravity</i> motion picture was released in 2013	http://tinyurl.com/la35dca accessed 08/26/14
36	Closing Logos.com	08/12/14	History of New Line Cinema	http://tinyurl.com/mry9h4q accessed 08/26/14
37	Answers.com	08/12/14	History of New Line Cinema	http://tinyurl.com/m4l3znf accessed 08/26/14

Exhibit	Publisher	Date	Description	URL
38	Vault.com	08/12/14	History of New Line Cinema	http://tinyurl.com/ms37ytg accessed 08/26/14
39	Manta.com	08/28/14	Corporate Data for Katja Motion Picture Corp., stating number of employees, annual revenue, location	http://tinyurl.com/oq999dg accessed 08/26/14
40	FindtheBest	08/28/14	Corporate Data for Katja Motion Picture Corp., stating number of employees, annual revenue, location	http://tinyurl.com/ovpsorb accessed 08/26/14
41	Corporation Wiki.com	08/26/14	Edward Romano, Active President of, <i>inter alia</i> , WB Communications, Katja Motion Picture Corp., New Line Home Entertainment, Inc., & New Line Distribution, Inc.	http://tinyurl.com/koqn9w4 accessed 08/26/14
42	California Secretary of State	08/24/14	Business Entity Detail of Katja Motion Picture Corp.	http://kepler.sos.ca.gov/ accessed 08/26/14
43	California Secretary of State	08/24/14	Business Entity Detail for New Line Productions, Inc.	http://kepler.sos.ca.gov/ accessed 08/26/14
44	Corporation Wiki.com	06/22/14	Profile for Katja Motion Picture Corp	http://tinyurl.com/15jjsfv Accessed 09/05/14
45	Bizapedia	04/17/14	Profile for Katja Motion Picture Corp	http://tinyurl.com/meu5pwa Accessed 09/05/14

C. The Court Has Authority To Take Judicial Notice Of The Foregoing Facts and Documents.

Under Rule 201 of the Federal Rules of Evidence, when deciding a motion to dismiss, a court may take judicial notice of facts that are capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned. *Tellabs, Inc. v. Makor Issues & Rights, Ltd.*, 551 U.S. 308, 322, 127 S.Ct. 2499 (2007) (noting that court’s ruling on 12(b)(6) motion to dismiss may take into consideration “matters of which a court may take judicial notice”).

The facts listed in Section A, and the sources listed in Exhibit B above fall into five categories: (1) information that is made known to the general public through news reports and press releases [¶¶ 2 and 6—15]; (2) information published on websites, especially a party’s own website; (3) information provided in corporate disclosure statements; (4) information provided on a government website; and (5) the court’s own records.

1. Information That Is Made Known To The General Public Through Press Releases And News Reports

The Court may take judicial notice of news reports, press releases, and other matters which are a matter of public record insofar as they indicate that certain information which has been made known to the general public—without regard to the truth of the facts asserted. *Von Saher v. Norton Simon Museum of Art at Pasadena*, 592 F.3d 954, 960 (9th Cir.2010); *accord Heliotrope Gen. Inc. v. Ford Motor Co.*, 189 F.3d 971, 981 n. 118 (9th Cir.1999) (taking judicial notice “that the market was aware of the information contained in news articles submitted by the defendants.”); *In re Am. Apparel, Inc. S’holder Litig.*, 855 F. Supp. 2d 1043, 1062 (C.D. Cal. 2012). Such publications meet the standards for admissibility set forth in Federal Rule of Evidence 201(b). *Von Saher*, 592 F.3d at 960 (taking judicial notice of the fact that various newspapers, magazines, and books had published information about certain sixteenth-century works of art that were the subject of dispute).

Paragraphs 2, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 in Section A, above, refer to facts made known to the general public through news reports and press releases.

2. Information Published On Websites, Especially A Party's Own Website

Additionally, courts, including those in this district, have found web sites and their contents to be a proper subject for judicial notice. *See, e.g., Wible v. Aetna Life Ins. Co.*, 375 F.Supp.2d 956, 965-669 (taking judicial notice of web pages for books on lupus erythematosus and page from medical website); *Caldwell v. Caldwell*, C 05-4166 PJH, 2006 WL 618511 (N.D. Cal. Mar. 13, 2006) *order clarified*, C 05-4166 PJH, 2006 WL 734405 (N.D. Cal. Mar. 20, 2006) (“as a general matter, websites and their contents may be proper subjects for judicial notice”); *see also, Swisher v. Collins*, 2008 WL 687305, at *23 n. 29 (D.Idaho 2008) (“[f]or purposes of a 12(b)(6) motion to dismiss, a court may take judicial notice of information publicly announced on a party's website, as long as the website's authenticity is not in dispute and it is capable of accurate and ready determination”) (*quoting Doron Precision Systems, Inc. v. FAAC, Inc.*, 423 F.Supp.2d 173, 179 n. 8 (S.D.N.Y.2006)); *Pollstar v. Gigmania, Ltd.*, 170 F. Supp. 2d 974, 978 (E.D. Cal. 2000).

The facts stated in paragraphs 2, 4, 5, 6, 7, 8, 9, 10, 11, 14 and 15 in Section A, above, consist of or refer to information published on the websites of defendants and/or otherwise reliable internet sources.

3. Information Provided In Corporate Disclosure Statements

Courts may also consider corporate disclosure statements. *Patel v. Parnes*, 253 F.R.D. 531, 545 (C.D. Cal. 2008); *American Apparel, Inc., supra*, 855 F. Supp. 2d at 1062 (taking judicial notice of the existence and contents of Forms 10-K, 10-Q, 8-K, 14-A; Schedule 13D; transcripts from various earnings conference calls; and the SEC Investor Bulletin).

The facts stated in paragraphs 10, 11 and 12 in Section A, above, consist of or refer to information provided in the corporate disclosure statement and/or Form 10-K of Time Warner, Inc.

